

REMARKS

Independent Claim 53 is directed to a method performed by a computer. After displaying a question, and an answer to that question, the computer displays a prompt to answer the question. Next, the computer receives two characters. Depending on the correctness or incorrectness of the received characters when compared with the relevant characters in the answer to the question, the computer performs one of four distinct acts. Those four acts are summarized in the table below:

	First Character	Second Character	Display
1	Correct	Correct	Display the 1 st and 2 nd received characters in a first font.
2	Correct	Incorrect	Display the 1 st received character in the first font and display the 2 nd received character in a second font.
3	Incorrect	Correct ¹	Display the 1 st received character in the second font and overwrite the 1 st received character with the 2 nd received character in the first font.
4	Incorrect	Incorrect ²	Display the 1 st received character in the second font and overwrite the 1 st received character with the 2 nd received character in the second font.

The first font can be used to indicate correct characters and the second font can be used to indicate incorrect characters. Independent claim 65 is similar to independent claim 53 with the exception of acts 2 and 3 in the above table are not included in claim 65.

The Examiner rejected claims 53 – 73 under 35 U.S.C. 103(a). In regard to independent claims 53 and 65, the Examiner stated:

“What Ziv-el fails to explicitly teach is replacing the first received character with the second character if and only if the first received character is not equal to the first keyword. [Claims 53 & 65]. However, replacing incorrect characters with correct characters in a response is understood to be performed by a student modifying the response in the text entry field in reply to the dynamic evaluation. Ziv-El would merely modify detected incorrect characters by replacing them with the most recently typed character when a student is not allowed to proceed typing the response until the next consecutive correct character is input, in order to

¹ The second received character is equal to the first character of the answer keyword.

² The second received character is not equal to the first character of the answer keyword.

provide more immediate reinforcement to the student when an incorrect character is typed then when the entire response is evaluated. To wit, Ziv-El teaches where the student would modify an incorrect character before typing the remaining response. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow the replacement of the first received character with the second received character only if the first received character is not equal to the first keyword {incorrect} in the method of Ziv-El, in order to provide color-coded or font-coded feedback to a student as soon as a character is typed, rather than after the entire response has been typed and evaluated [Claims 53 and 65].”

The Examiner is correct in stating that Ziv-El fails to teach replacing the first received character with the second received character if and only if the first received character is not equal to the first character of the keyword. One of the primary purposes of Ziv-El is to provide the teacher with real-time feedback of the correct and incorrect answers provided by the students. As shown in Figure 14 of Ziv-El, which is reproduced below, a question is displayed to the teacher in item 113, the correct answers to the question are displayed to the teacher in item 181, and the real-time answers provided by the students to the question are displayed to the teacher in the “Response” column.

FILE EDIT VIEW FRAME RESPONSE REPORTS MEDIA WINDOW HELP

ENGLISH 5

100 101 102 103 104 105 106 107 108 109 110 111 112

100 NEXT FRAME 101 PREV. FRAME 102 STUDENT LOG-ON 103 SOCIAL 104 CLASS DISPLAY 105 STUDENT DISPLAY 106 CALL STUDENT 107 PREV. TASK 108 PLEASE ANSWER 109 RESPONSES (ALL) 110 RESPONSES (LESSON) 111 FRAME CONTENT 112 NEXT TASK

113 QUESTION SUMMARY 114 EXPLAIN OR USE "RESTIVE"

115 ANSWERED: 116 VOICE

117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

SEAT	NAME	OK	TRIES	RESPONSE	EXPLANATION
A1	JIM MILLER	Y	2	RESTIVE	RESTIVE IS WHEN YOU RESIST CONTROL AND GET JUMPY
A2	ANITA TAYLOR	X	1	SERENE	AFTER A SLEEP HE FELT RESTIVE
A4	JONA BROWN	Y	1	UNRESTIVE	AFTER WAITING TOO LONG THE CROWD GOT RESTIVE
A5	MARY JONES	Y	1	RESTLESS	I COULD NOT GET ONTO THE HORSE WHO WAS RESTIVE
A6	BRET BRIGHTON	X	1	POETRY	HAVING NOTHING TO DO, THE KIDS BECAME RESTIVE
B1	BARRY TURNER	X	2	RESTFUL	I RELAXED AND GOT VERY RESTIVE
B2	KATHY JOHNSON				
B3	COOKE HENSON				
B5	BRIAN CHESTER	Y	1	FRUSTRATION	FRUSTRATION WILL CAUSE YOU TO BECOME RESTIVE SO I
					BETTER BRING ALONG SOME TOYS TO PLAY WITH.
C2	JANIE JENSEN	X		FR	
C3	SUSAN SMIT				
C4	VERONICA HALL				
C5	CHARLIE SAMSON	Y	1	RESTLESS	WHEN MY MOTHER DID NOT COME I GOT RESTIVE.
C6	INGRID MURRAY	X	2	RESTIVE	MY BIRTHDAY WAS A RESTIVE OCCASION.

FIG. 14

As stated by Ziv-El:

"When students respond on their keyboards 10, their responses are sent character by character in real time to the responses buffer 51 on response server 6, so that the teacher can observe, virtually character by character, on the monitor 3, a teaches class response window (FIG.14) showing a large number of students responding simultaneously. The responses appear color-coded, such as green if the student is on the correct track, red for wrong, and blue if a response is the result of a question which does not have a programmed correct answer or the keyword has not yet been typed in a Keyword exercise explained with reference to FIG. 4." Ziv-el, col. 11, lns. 19-29.

Thus, the "Response" column of the Ziv-El system is intended to provide the teacher with real-time feedback regarding students' correct and incorrect answers. If the Ziv-El training system were to be modified to replace the first received character with the second received character if and only if the first received character is not equal to the first character of the keyword, then the teacher's "Response" column would be useless to the teacher. The modified Ziv-El system

would not provide any feedback regarding students' incorrect answers to the teacher. Such a modification would drastically reduce the value of the Ziv-El system.

Applicant is having difficulty understanding Examiner's argument regarding the motive to modify Ziv-El as required by the previously pending independent claims. As Applicant best understands Examiner's argument, because a student could modify incorrect answers in Ziv-El, one of skill in the art would modify Ziv-El to allow the replacement of an incorrect first received character with a second received character.

Applicant sees absolutely no relationship between allowing a student to modify the student's answer in Ziv-El and the motivation to modify Ziv-El as required by independent claims 53 and 65. Nonetheless, in an effort to further the prosecution of this application, Applicant has added the following limitation to the two currently pending independent claims:

"wherein no characters are entered into the keyboard by the learner in between the first received character entered into the keyboard by the learner and the second received character entered into the keyboard by the learner."

The new limitation requires that there be no characters, correct or incorrect, entered in between the claimed first received character and the claimed second received character. The first received character and the second received character must be sequential characters. Thus, the currently pending independent claims do not allow the learner to modify his answer in between the entering of an incorrect first received character and an incorrect second received character. Thus, the currently pending independent claims require receiving a first incorrect character and a second incorrect character, without any intervening characters, such as a backspace and another character, and displaying the first incorrect character in the second font and then overwriting the first incorrect character with the second incorrect character in the second font. Applicant submits that no cited prior art in any combination performs such a method.

Applicant hereby requests an examiner interview to discuss Examiner's rejection of independent claims 53 and 65 BEFORE the Examiner issues another office action. Perhaps after such an interview, Applicant will better understand the Examiner's rejection and will be able to provide a more substantive response.

As Applicant believes that the currently pending independent claims are allowable over the art of record for the reason discussed above, Applicant likewise believes that the claims that depend from the independent claims are likewise allowable.

In an effort to allow the Examiner to rapidly locate support in the specification for the newly submitted limitation, Applicant provides the following specific citations.

As paragraph 21 states:

“Until a correct response to block 408 is given, that is, until a character is typed correctly, the learner is prohibited from typing to the next blank element.”

Similarly, as paragraph 20 states:

“When an incorrect alphabetic character is typed, the incorrect alphabetic character may be highlighted in red”

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By



Hoyt A. Fleming III
Registration No. 41,752

Date: August 11, 2008

Address correspondence to: <input checked="checked" type="checkbox"/> <i>Customer Number or Bar Code Label</i> 28422	or <input type="checkbox"/> <i>Correspondence Address Below</i> Park, Vaughan & Fleming LLP P.O. Box 140678 Boise, ID 83714	Direct telephone calls to: Hoyt A. Fleming III (208) 336-5237
--	--	--